

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

COMPREHENSIVE HEALTH OF PLANNED
PARENTHOOD GREAT PLAINS, et al.,

Plaintiffs,

v.

RANDALL W. WILLIAMS, MD, in his official capacity
as Director of the Missouri Department of Health and
Senior Services, et al.,

Defendants.

Case No.

**PLAINTIFF COMPREHENSIVE HEALTH'S MOTION FOR TEMPORARY
RESTRANDING ORDER**

1. Plaintiff Comprehensive Health of Planned Parenthood Great Plains (“Comprehensive Health”) hereby moves this Court, pursuant to Federal Rule of Civil Procedure 65, for a temporary restraining order, restraining Defendants Williams, Hawley, and Knight and their employees, agents, and successors in office from enforcing Mo. Code Regs. Ann. tit. 19 § 30-30.061, and the Missouri Department of Health and Senior Services’ (“DHSS”) interpretation of it (the “Complication Plan Regulation” or the “Regulation”), as applied to Comprehensive Health’s abortion facility in Columbia, Missouri, as well as Mo. Stat. Ann. § 188.021(2) insofar as Comprehensive Health cannot provide medication abortion in Columbia without approval of a complications plan that meets DHSS’s requirements.

2. Plaintiff was unable to provide medication abortion to patients who desired that procedure today because of this unnecessary regulation. In the absence of a temporary restraining order, Plaintiff will be required to do the same next Monday, November 6. As is more fully explained in the accompanying suggestions in support of this motion, a temporary

restraining order is warranted here because (1) Plaintiff is likely to succeed on its claim that the Complication Plan Regulation imposes an undue burden on its patients' right to choose to have an abortion, in violation of the Fourteenth Amendment to the U.S. Constitution; (2) Plaintiff and its patients are suffering ongoing irreparable harm as a result of the Regulation; (3) the balance of the harms tips in favor of Plaintiff; and (4) the public interest will be served by an injunction.

3. Plaintiff further requests that, given the nature of the relief sought, bond be waived should the Court grant temporary injunctive relief.

4. Plaintiff makes this Motion based on the Complaint in this action; the accompanying suggestions in support; the declaration of Colleen P. McNicholas, DO, which is attached as Exhibit A; the declaration of Kristin Metcalf-Wilson, NP, which is attached as Exhibit B; and the exhibits to each of these documents.

Dated: October 30, 2017

Respectfully submitted,

ARTHUR BENSON & ASSOCIATES

s/ Jamie Kathryn Lansford
Arthur A. Benson II #21107
Jamie Kathryn Lansford #31133
4006 Central Avenue
Kansas City, MO 64111
Phone: (816) 531-6565
Fax: (816) 531-6688
abenson@bensonlaw.com
jlansford@bensonlaw.com

and

PLANNED PARENTHOOD FEDERATION
OF AMERICA

Richard Muniz*
Carrie Y. Flaxman*
Helene T. Krasnoff*

Planned Parenthood Federation of America
1110 Vermont Avenue, NW Suite 300
Washington, DC 20005
Phone: (202) 973-4800
Fax: (202) 296-3480
richard.muniz@ppfa.org
carrie.flaxman@ppfa.org
helene.krasnoff@ppfa.org

Attorneys for Plaintiffs

** Pro hac vice motion forthcoming*

CERTIFICATE OF SERVICE

Although no Defendant has entered an appearance or waived service as of yet, I hereby certify that the foregoing document was emailed this 30th day of October, 2017, to:

RANDALL W. WILLIAMS, MD
Director of the Missouri Department
of Health and Senior Services
912 Wildwood
P.O. Box 570
Jefferson City, MO 65102-0570
nikki.loethen@health.mo.gov

JOSHUA D. HAWLEY
Attorney General of Missouri
207 W High Street
P.O. Box 899
Jefferson City, MO 65102
john.sauer@ago.mo.gov
emily.dodge@ago.mo.gov

DANIEL KNIGHT
Boone County Prosecutor
705 E Walnut St.
Columbia, MO 65201-4485
dknight@boonecountymo.org
rsweet@boonecountymo.org

JEAN PETERS BAKER
Jackson County Prosecutor
415 E 12th St.
Kansas City, MO 64106
jeanpetersbaker@jacksongov.org
Twillingham@jacksongov.org

THERESA KENNEY
Jasper County Prosecutor
601 South Pearl, Room 100
Joplin, MO 64801
twelch@cwrcave.com

DAN PATTERSON
Greene County Prosecutor
1010 N Boonville Ave.
Springfield, MO 65802
dpatterson@greenecountymo.gov
tmyers@greenecountymo.gov

/s Jamie Kathryn Lansford
Jamie Kathryn Lansford